



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ZONING COMMISSION  
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**MINUTES**  
**SEPTEMBER 27, 2011**

The meeting was called to order by Chairman Robert Melillo at 7:30 PM.

Present were Anthony DiCaprio, Theodore Haddad Jr., Richard P. Jowdy, Robert Melillo, and Terry Tierney Alternates Elmer Palma and Patrick Venuti. Also present was Planning Director Dennis Elpern.

Absent were, Ted Farah, Walter Hoo, Alan Kovacs, Gary Renz, and Alternate Thomas Spegnolo.

Chairman Melillo asked Mr. Venuti to take Mr. Farah's place and Mr. Palma to take Mr. Hoo's place for the items on tonight's agenda.

Mr. Haddad led the Commission in the Pledge of Allegiance.

Mr. Haddad made a motion to accept the March 22, 2011, April 26, 2011 & May 10, 2011 minutes as presented. Mr. Palma seconded the motion and it was passed unanimously.

**PUBLIC HEARINGS:**

7:30 PM — Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 6.B.2., 6.B.5. and 7.C.3. of the Zoning Regulations.

Mr. Kovacs read the legal notice. Mr. Haddad read the Planning Commission recommendation which was positive. Chairman Melillo read the Planning Dept. Staff Report dated September 20, 2011.

Mr. Elpern said this language is self-explanatory, but he needed to amend it slightly. He said Attorney Robin Edwards, our Assistant Corporation Counsel, asked that the following language be added to the amendment: after all municipal facilities, add comma, **including but not limited to the Danbury Sewage Treatment Facility**. He said the intent is to clarify the definition to make it closer to the Code of Ordinances, to establish a minimum lot size for the use, and the rest is housekeeping. Chairman

Melillo asked if this limits any treatment to a city owned facility. Mr. Elpern said it does.

Chairman Melillo asked if there was anyone to speak in opposition and there was no one.

Mr. Haddad made a motion to close the public hearing. Mr. Jowdy seconded the motion and it was passed unanimously. Mr. Haddad made a motion to move this matter to number one under Old Business. Mr. Kovacs seconded this motion and it was passed unanimously.

7:45 PM — Petition of LaFamilia Enterprises LLC, 49 North St. (#112004) for a Special Permit for Restaurant Liquor License.

Mr. Kovacs read the legal notice. Attorney Anthony Yorio explained that this is the location of Deep's Trellis. The applicant has a contract to purchase the business with the contingency that they must be able to obtain a permit to serve liquor from the State. He introduced Marco Sari and his brother Daniel Sari, who intend to operate the restaurant as it is today for at least 4-5 months, before making any changes. They want to have a service bar only as they plan to remodel within a year. Mr. Haddad asked if there will be a change in the number of seats. Attorney Yorio said not initially, they will decide that when they start to plan the remodeling. They want to see how it runs as is. Mr. Jowdy asked if they were related the Pizza restaurant named LaFamilia. Attorney Yorio said they are not. Mr. Jowdy then asked what restaurant experience they have. Attorney Yorio said both of the applicants that are present tonight work at the First & Last Café, specifically as the pizza chef and the general manager. Chairman Melillo asked what their hours of operation will be. Attorney Yorio said presently they will serve breakfast and lunch, they will work they way into dinner.

Chairman Melillo asked if there was anyone to speak in opposition to this and there was no one.

Mr. Elpern reminded the Commission that they need to consider the criteria in Sec. 3.F. of the Zoning Regulations.

Mr. Haddad made a motion to close the public hearing. Mr. DiCaprio seconded the motion and it was passed unanimously. Mr. Haddad made a motion to move this matter to number two under Old Business. Mr. Palma seconded the motion and it was passed unanimously.

## CONTINUATION OF PUBLIC HEARING

Petition of Scott Benincasa & David Benincasa to Amend Secs. 2.B., 5.B.2.b.(12), 5.B.5.d., & 8.C.4. of the Zoning Regulations. (Add "Indoor Shooting Range" as a Special Exception Use to CA-80 Zone.)

Attorney Dom Chieffalo said he would go over everything again if that is what the Commission wants him to do. The original petition was to add this as a permitted use; that was withdrawn and re-tooled. He said he worked extensively with Mr. Elpern and they decided to make this a special exception use, which would give the City more controls over the site. He said the applicants want everyone to be satisfied about safety issues and that it will not be an intrusive use. Mr. Haddad asked if anyone had found any other public shooting ranges besides the one in New Milford. Chairman Melillo said all the secretary had found was a gun club in Ridgefield. Mr. Tierney said he had contacted the range in New Milford and they have no problems. It is run similarly to what this applicant is proposing. Mr. Tierney added that any concerns he may have had, have been addressed. Chairman Melillo said he received an e-mail today from Chief Baker acknowledging that he is in favor of this. Mr. Haddad said he had spoken to some police officers who also thought this was a great idea. They too acknowledged that obtaining a gun permit (to carry) is a very stringent process. They don't just hand them out. Attorney Chieffalo then said that the Laurel Gardens project is located right next door to the Police Department. He added that he is the Director of the Danbury Housing Authority and there have been no complaints from any of the residents.

Chairman Melillo said he is not comfortable voting with only five members. He added that Mr. Kovacs is going to listen to the tape from the September 13, 2011 meeting next week; he just has not been able to get in to the office. Mr. Jowdy and Mr. Tierney both need to listen to the tapes from the previous petition. They said they would try to do it next week. Chairman Melillo said he also would contact Mr. Spegnolo to come in and listen to the tape from the September 13<sup>th</sup> meeting.

Chairman Melillo asked if there was anyone to speak in opposition to this and there was no one.

Mr. Haddad made a motion to close the public hearing. Mr. Palma seconded the motion and it was passed unanimously.

## OLD BUSINESS

Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 6.B.2., 6.B.5. and 7.C.3. of the Zoning Regulations.

Chairman Melillo asked if anyone had any comments or questions. Mr. Haddad made a motion to approve these amendments with the change as suggested by Corporation Counsel. Mr. Haddad gave the following reason for his motion: these amendments are intended to define sewage treatment facilities consistent with the intent of the Code of Ordinances and to establish minimum lot sizes for such uses. Mr. Palma seconded the motion and it was passed unanimously.

Petition of LaFamilia Enterprises LLC, 49 North St. (#112004) for a Special Permit for Restaurant Liquor License.

Mr. Haddad made a motion to approve this WITH A SERVICE BAR ONLY for the following reasons: the proximity of such premises will not have a detrimental effect on any church, school, or charitable institution. Nor will it have a detrimental effect on the immediate neighborhood concerned, due consideration having been given to the character of the surrounding neighborhood. Mr. Palma seconded the motion. Chairman Melillo took a roll call vote and the motion was passed unanimously.

Chairman Melillo said that as listed under Correspondence, they had received a printout of the Code Enforcement Case Summary for the period of 9/1/11 through 9/27/11. The purpose of this summary is to give the Commission an idea how violations or complaints are handled by the Zoning Enforcement Officers. There was nothing under New Business or Other Matters. Under For Reference Only there were listed three petitions scheduled for public hearing on October 11, 2011.

At 8:30 PM, Mr. Jowdy made a motion to adjourn. Mr. Haddad seconded the motion and it was passed unanimously.